

REMARKS

The independent claims have been amended to point out that the main stabilizing element extending through the stabilized zone of the fill are stabilizing strips, as illustrated in the drawings. Some editorial changes have also been made in the initial claims.

New dependent claims 12-18 have been added to cover some features specifically disclosed in the specification. No new matter has been added.

The independent claims 1 and 7 have been rejected under 35 USC § 102 (b) as being “anticipated” by Babcock (US patent 6,238,144). That rejection is respectfully traversed for the reasons which follow.

Babcock discloses a retaining wall structure having a facing system attached to a separate closed face mechanically stabilized earth (M.S.E.) retention structure (see abstract). The MSE structure is self-supporting. The facing panels are non-bearing (column 6, line 25).

As indicated in column 12, lines 38-40 with reference to figure 3, the panels 30 forming the facing are separate from the MSE wall 8. The separate M.S.E. mass 8 is formed by endosing retaining wall backfill material 20, such as soil, in closed overlapping tensile inclusion material layers 22 (geotextile) (column 13, lines 11-13). The drawings of the Babcock patent clearly shows that the stack of soil 20/ geotextile 22 layers forms a self-supporting structure.

In that self-supporting structure, tie rod assemblies are inserted for holding foundation blocks 34 (figures 1 and 3b and column 7, lines 6-9) and for attaching the panels to the separate layered M.S.E. wall (figure 3 and 3B, and column 8, lines 6-7). The upper tie rod assemblies 42 are located at the joints 31 of the facing panels 30 (figure 3 and column 13, lines 58-61) in order to avoid misalignments between the contiguous facing panels.

It should be noted that the tie rod assemblies 40-42 are simply used to attach and position the facing 34, 30 to the self-supporting M.S.E. mass 8. They play no structural role with respect to the layered fill mass.

It is apparent, for example from figure 1, 2 and 4 of Babcock that any tensile

efforts exerted on the tie rod assemblies 40-42 are transferred to the fill mass by the geotextile webs 22 which may be regarded as main reinforcements of the M.S.E. wall.

In other words, Babcock fails to disclose the feature that loads are transmitted between the main stabilizers (geotextile 22?) and the secondary members (tie rod assemblies 40,42?) by the material of the fill. In contrast, such loads are directly transmitted between the geotextile webs 22 and the tie rod assemblies by friction.

The above-mentioned feature is present in both of the independent claims 1 and 7 of the present application. It is directly related to the fact that the claimed stabilized earth structure and the retaining wall according to Babcock are designed based on very different principles.

Babcock's M.S.E. wall has a self-supported fill/geotextile mass whose front face is covered by a non-bearing facing (in order to protect the geotextile from the ultraviolet exposure, as explained in column 3, line 63-column 4, line 9), while in the present invention, the claimed facing plays an important structural role (it is "bearing") so that the problem of load transmissions between the facing and the fill has to be tackled. If one imagines that the facing is removed from a stabilized earth structure according to the invention, then the whole structure falls apart.

Another feature of the independent claims 1 and 7 which is not disclosed by Babcock is the use of main stabilizing strips within the stabilized zone of the fill. It would not be possible to replace Babcock's geotextile webs 22 by such strips since Babcock's fill material 20 has to be confined.

Therefore, it is submitted that the invention as claimed in independent claims 1 and 7 was neither disclosed nor suggested by Babcock. Reconsideration of their rejection is respectfully requested.

The dependent claims of the application are also believed to be allowable, in particular because they depend on claim 1 or 7.

Claims 4 and 10 have been rejected under 35 USC § 103(a) as being "unpatentable" over Babcock in view of Brown (US patent 4,824,293).

Brown is not believed to be relevant to the claimed invention for the foregoing reasons.

Brown discloses a retaining wall structure having facing panels 11 whose rear face has slits 17 for receiving geogrid tieback members 12. The connection of the geogrid member 12 to the facing panel 11 is made by elongated elements 19, 23 inserted into channels 14 located at the bottom of the slits 17 (see figure 1). Brown does not have main stabilizing strips and secondary members arranged as claimed in independent claims 1 and 7.

In addition, the stabilizers consisting of the geogrid elements 12 are not cast into the concrete of prefabricated facing elements as recited in claims 4 and 10.

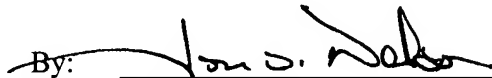
Therefore, the subject matter of claims 4 and 10 is patentable in view of the teachings of Babcock and Brown.

The application is therefore believed to be in condition for allowance. Issuance of a Notice of Allowability is respectfully requested.

Respectfully submitted,

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